

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Comments:

- a. The proposal would not result in any impacts that would physically divide a community as the site has been previously developed with residential uses.
- b. The General Plan designates the project site as Transit Focus Area (TFA). The mixed-use project will be consistent with the General Plan designation subject to approval of a Conditional Use Permit (CUP) and a zone change from CTP to CCP.
- c. The project would not conflict with the adopted City of Chula Vista MSCP Subarea Plan.

Mitigation: No mitigation measures are required.

X. MINERAL RESOURCES. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments:

- a-b) The proposal would not result in any loss of any known mineral on-site. Pursuant to the Environmental Impact Report for the City of Chula Vista General Plan, the State of California Department of Conservation has not designated the project site for mineral resource protection.

Mitigation: No mitigation measures are required.

XI. NOISE. Would the project result in:

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|

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plan or noise ordinance, or applicable standards of other agencies?				
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Comments:

a-d) See Mitigated Negative Declaration, Section E.

- e) The project is not located within an airport land use plan nor within two miles of a public airport or public use airport; therefore, the project would not expose people residing or working in the project area to excessive noise levels.
- f) The project is not located within the vicinity of a private airstrip; therefore, the project development would not expose people working in the project area to excessive noise levels.

Mitigation: See Mitigated Negative Declaration, Section F.

XII. POPULATION AND HOUSING. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments:

- a-c) The proposal involves a minimal increase in population and would not induce population growth or displace housing or people.

Mitigation: No mitigation measures are required.

XIII. PUBLIC SERVICES. Would the project:

- a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or

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Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a) According to the Fire Department, the proposal would not have a significant effect upon or result in a need for new or altered fire protection services.
- b) According to the Police Department, the proposal would not have a significant effect upon or result in a need for substantial new or altered police protection services.
- c) The proposed project would not induce significant population growth, However, since schools are presently impacted in the area, the Chula Vista School District recommends that the project applicant set up a Mello-Roos type of community facilities district.
- d) Because the proposed project would not induce population growth, it would not create a demand for neighborhood or regional parks or facilities or impact existing park facilities.
- e) The proposed project would not have a significant effect upon or result in a need for new or expanded governmental services and could continue to be served by existing public infrastructure.

Mitigation: No mitigation measures are required.

XIV. RECREATION. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

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Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

- a) Because the proposed project would not induce significant population growth, it would not create a demand for neighborhood or regional parks or facilities nor impact existing neighborhood parks or recreational facilities.
- b) The project does not include or require the construction or expansion of recreational facilities.

Mitigation: No mitigation measures are required.

XV. TRANSPORTATION / TRAFFIC. Would the project:

a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments: See Mitigated Negative Declaration, Section E.

Mitigation: See mitigation measure(s) required. In Section F of Mitigated Negative Declaration

XVI. UTILITIES AND SERVICE SYSTEMS.

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Comments:

- a) The project is located within an urban setting presently served by all utilities and service systems and would not exceed the wastewater treatment requirements of the RWQCB. Therefore, no adverse impacts to wastewater treatment facilities would occur as a result of the proposed project.
- b) No construction of new water or wastewater treatment facilities or the expansion of existing facilities would be necessary to serve the project. Development of the project will not impact existing water or wastewater treatment facilities.
- c) No construction of new storm water drainage facilities or expansion of existing facilities would be necessary as a result of the proposed project. The project is required to implement Best Management Practices to prevent pollution of storm drainage systems and comply with the City Storm Water Management Requirements therefore environmental impacts would be less than significant.
- d) The project site is within the Sweetwater Water District service territory. The Water District has stated that they have the capacity to serve the proposed project.
- e) The City of Chula Vista has adequate wastewater capacity to serve this project. No impacts are noted.
- f) The project will be served by a local landfill that has adequate capacity.
- g) The proposed project will comply with all state and local solid waste requirements.

Mitigation: No mitigation measures are required.

XVII. THRESHOLDS

Will the proposal adversely impact the City's Threshold Standards?

A. Library

The City shall construct 60,000 gross square feet (GSF) of additional library space, over the June 30, 2000 GSF total, in the area east of Interstate 805 by buildout. The construction of said facilities shall be phased such that the City will not fall below the citywide ratio of 500 GSF per 1,000 population. Library facilities are to be adequately equipped and staffed.

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B) <u>Police</u>				
a) Emergency Response: Properly equipped and staffed police units shall respond to 81 percent of "Priority One" emergency calls within seven (7) minutes and maintain an average response time to all "Priority One" emergency calls of 5.5 minutes or less.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Respond to 57 percent of "Priority Two" urgent calls within seven (7) minutes and maintain an average response time to all "Priority Two" calls of 7.5 minutes or less.				
C) <u>Fire and Emergency Medical</u>				
Emergency response: Properly equipped and staffed fire and medical units shall respond to calls throughout the City within 7 minutes in 80% of the cases (measured annually).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D) <u>Traffic</u>				
The Threshold Standards require that all intersections must operate at a Level of Service (LOS) "C" or better, with the exception that Level of Service (LOS) "D" may occur during the peak two hours of the day at signalized intersections. Signalized intersections west of I-805 are not to operate at a LOS below their 1991 LOS. No intersection may reach LOS "E" or "F" during the average weekday peak hour. Intersections of arterials with freeway ramps are exempted from this Standard.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E) <u>Parks and Recreation Areas</u>				
The Threshold Standard for Parks and Recreation is 3 acres of neighborhood and community parkland with appropriate facilities/1,000 population east of I-805.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F) <u>Drainage</u>				
The Threshold Standards require that storm water flows and volumes not exceed City Engineering Standards. Individual projects will provide necessary improvements consistent with the Drainage Master Plan(s) and City Engineering Standards.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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G) <u>Sewer</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The Threshold Standards require that sewage flows and volumes not exceed City Engineering Standards. Individual projects will provide necessary improvements consistent with Sewer Master Plan(s) and City Engineering Standards.				
H) <u>Water</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The Threshold Standards require that adequate storage, treatment, and transmission facilities are constructed concurrently with planned growth and that water quality standards are not jeopardized during growth and construction.				
Applicants may also be required to participate in whatever water conservation or fee off-set program the City of Chula Vista has in effect at the time of building permit issuance.				

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Comments:

- a) The project would not significantly induce population growth; therefore, no impacts to library facilities would result. No adverse impact to the City's Library Threshold standards would occur as a result of the proposed project.
- b) No adverse impact to the City's Police threshold standards would occur as a result of the proposed project. Police Department states that they can continue to provide service at current levels
- c) According to the Fire Department, adequate fire protection and emergency medical services can continue to be provided to the site. Although the Fire Department has indicated they will provide service to the project, the project will contribute to the incremental increase in fire service demand throughout the City. This increased demand on fire services will not result in a significant cumulative impact. No adverse impact to the City's Fire threshold standards would occur as a result of the proposed project.
- d) The surrounding street segments and intersections continue to operate in compliance with the City's Traffic Threshold Standards at LOS "C" or better with the exception of the intersection of Frontage Road/Walnut Avenue & Palomar Street, which operate at an LOS "F" during AM & PM peak hours with or without the project. However, since the project trips comprise less than 5% of the total intersection entering volume, the intersection and segment impacts would be deemed as cumulative impacts. In order to reduce this cumulative impact, mitigation is required. See Mitigated Negative Declaration, Section F.
- e) The project proposes residential development west of I-805; this Threshold Standard is not applicable.
- f) The applicant proposes new drainage facilities on the project site in order to properly convey stormwater from the developed site to existing city drainage facilities. No adverse impacts to the City's storm drainage system or City's Drainage Threshold standards will occur as a result of the proposed project.
- g) Based on the Sewer study prepared by Lundstrom & Associates on August 24, 2006, the Engineering Division has determined that the existing sewer facilities are adequate to serve the proposed project. No new sewer facilities are anticipated to be required and no adverse impacts to the City's Sewer Threshold standards will occur as a result of the proposed project.
- h) Pursuant to correspondence received from Sweetwater Authority, there is a 10-inch water main located on the north side of Palomar Street, a 16-inch water main located on the east side of Industrial Avenue, and a 6-inch main on the east side of Frontage Road. Sweetwater Authority indicates that water service can be provided at the required pressures once the owner enters into an agreement for water facility improvements. The existing domestic water services and fire service that currently service the project site are adequate and will not need to be altered. Project impacts to the Authority's storage, treatment, and transmission facilities would be less than significant.

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XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments:

- a) The project site is currently vacant but has been previously developed with residential units. The project site is located within an established residential and commercial community. The site lies within the designated development area of the adopted Chula Vista MSCP Subarea Plan. There are no sensitive plant or animal species or cultural resources on the site.
- b) As described in the Mitigated Negative Declaration, significant direct project impacts would be mitigated to below a level of significance through the required mitigation measures. No cumulatively considerable impacts associated with the project when viewed in connection with the effects of past projects, other current projects and probable future projects have been identified.
- c) See Mitigated Negative Declaration, Section E.

XIX PROJECT REVISIONS OR MITIGATION MEASURES:

Project mitigation measures are contained in Section F, Mitigation Necessary to Avoid Significant Impacts, and Table 1, Mitigation Monitoring and Reporting Program, of Mitigated Negative Declaration IS-05-012.

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XX. AGREEMENT TO IMPLEMENT MITIGATION MEASURES

By signing the line(s) provided below, the Applicant and Operator stipulate that they have each read, understood and have their respective company's authority to and do agree to the mitigation measures contained in MND IS-05-019, and will implement same to the satisfaction of the Environmental Review Coordinator. Failure to sign the line(s) provided below prior to posting of this Mitigated Negative Declaration with the County Clerk shall indicate the Applicant's and Operator's desire that the Project be held in abeyance without approval and that the Applicant and Operator shall apply for an Environmental Impact Report.

Air Quality

1. The following air quality mitigation measures shall be implemented during grading and construction:
 - a) Minimize simultaneous operation of multiple construction equipment units
 - b) Use aqueous diesel fuel and lean NOx catalysts for all heavy diesel engine construction equipment
 - c) Use electrical construction equipment as practical
 - d) Use catalytic reduction for gasoline-powered equipment
 - e) Water the construction area twice daily to minimize fugitive dust
 - f) Pave permanent roads as quickly as possible to minimize dust
 - g) Use electricity from power poles as opposed to mobile power generators
 - h) Pave last 100 feet of internal travel path prior to exiting onto a public street
 - i) Install wheel washers by a paved apron prior to vehicle entry on public roads
 - j) Remove any soil/dirt from public streets within 30 minutes of occurrence
 - k) Suspend all soil disturbance and travel on unpaved surfaces if winds exceed 25 mph.
2. Prior to issuing a building permit, the Applicant/Developer shall provide a list of the architectural coatings that will be used on the project demonstrating that the average VOC content would not exceed 125 g/L, extend the time of application, or provide a plan that will show that the combination or reduced VOC and extended time of application will result in emissions less than 55 pounds per day.

The air quality mitigation measures shall be shown on all applicable grading, and building plans and details, notes, or as otherwise appropriate, and shall not be deviated from unless approved in advance in writing by the City's Environmental Review Coordinator.

Paleontological

3. The developer shall have a qualified paleontological monitor on the project site at all times during mass grading, excavation, and utility trenching activities in order to mitigate potential impacts to any undiscovered nonrenewable paleontological resources (i.e. fossils).

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Hazards/Hazardous Materials

4. The applicant/developer shall comply with all the procedures and methodologies delineated in the Revised Work Plan for Pesticide Assessment and Remediation prepared by SECOR International Incorporated, dated August 4, 2006 and as approved on August 22, 2006, by the County of San Diego Department of Environmental Health Land and Water Quality Division for the project site. The remediation measures shall be implemented during the grading and construction phase of development to the satisfaction of the City's Environmental Review Coordinator.

Hydrology and Water Quality

5. In order to reduce potential water quality impacts, the applicant/developer shall be required to comply with the National Pollutant Discharge Elimination System (NPDES) regulations including the preparation and implementation of a Water Quality Technical Report (WQTR) and a Storm Water Pollution Prevention Plan (SWPPP). The WQTR shall be prepared pursuant to the provisions of the City of Chula Vista Development and Redevelopment Projects Storm Management Standards Requirements Manual. The SWPPP shall be prepared pursuant to the provisions of the NPDES General Construction Permit. The applicant/developer shall also implement water quality Best Management Practices (BMPs) as approved by the City Engineer.
6. All runoff from the project area shall be directed to, and pre-treated by, a Treatment Control BMP before discharge to public storm drainage systems. The design of high efficiency BMP's such as vegetated swales shall be in accordance with criteria established by the California Stormwater Quality Association in the California Stormwater BMP Handbook (BMP#TC-30).
7. Prior to commencement of grading, temporary desilting and erosion control devices shall be installed. Protective devices shall be provided at every storm drain inlet to prevent sediment from entering the storm drain system. These measures shall be reflected in the grading and improvement plans to the satisfaction of the City Engineer and Environmental Review Coordinator.

Noise

8. Pursuant to Section 17.24.050(J) of the Chula Vista Municipal Code, project-related construction activities shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. Monday through Friday and between 10:00 p.m. and 8:00 a.m. Saturdays and Sundays.
9. Prior to the issuance of building permits, the Applicant/Developer shall submit plans to the City Building Official and Environmental Review Coordinator that include noise abatement for the patio areas on the north and east faces of each of the proposed buildings. Noise abatement shall consist of a solid barrier on the face of the patio from the base to a height of five feet. The barrier may be made of masonry, wood, glass plexiglass, or similar material.
10. Prior to the issuance of building permits, the Applicant/Developer shall submit plans to the City Building Official and Environmental Review Coordinator that include noise abatement for the proposed recreational area south of the Palomar Street right-of-way. Noise abatement shall consist of a solid barrier along the northerly boundary line of the recreational area from grade to a height of five feet. If a gate is proposed, then it shall be installed in a manner that does not render ineffective the proposed acoustical attenuation qualities of the barrier. The barrier may be made of masonry, wood, glass plexiglass, or similar material.

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11. Prior to the issuance of building permits, the Applicant/Developer shall submit data to the City of Chula Vista Environmental Review Coordinator and the City Building Official demonstrating that noise levels would be less than 45 dBA in habitable rooms of residence units facing north and east of each of the proposed buildings.
12. The Applicant/Developer shall be required to install central air conditioning units for each northerly and easterly facing dwelling unit impacted by noise from any identified source.

Traffic

13. In order to reduce cumulative significant impacts at the intersections of Frontage Road and Palomar Street and Walnut Avenue and Palomar Street, the Applicant/Developer shall construct a partial median closure along the centerline of Palomar Street that would prohibit left turns and through movements from Frontage Road/Walnut Avenue onto Palomar Street to the satisfaction of the City's Engineer.

Tony Pauker, Regional President (PRINT NAME)

Date

Signature of Applicant

Date

XXI. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Potentially Significant Unless Mitigated," as indicated by the checklist on the previous pages.

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Land Use and Planning | <input checked="" type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Utilities and Service Systems |
| <input type="checkbox"/> Geophysical | <input type="checkbox"/> Energy and Mineral Resources | <input type="checkbox"/> Aesthetics |
| <input type="checkbox"/> Agricultural Resources | <input checked="" type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Cultural Resources |
| <input checked="" type="checkbox"/> Hydrology/Water | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Air Quality | <input type="checkbox"/> Mandatory Findings of Significance | |
| <input checked="" type="checkbox"/> Paleontological Resources | | |

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XXII. DETERMINATION:

On the basis of this initial evaluation:

I find that the proposed project **could not** have a significant effect on the environment, and a **Negative Declaration** will be prepared. ☐

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent. A **Mitigated Negative Declaration** will be prepared. ☒

I find that the proposed project **may** have a significant effect on the environment, and an **Environmental Impact Report** is required. ☐

I find that the proposed project **may** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **Environmental Impact Report** is required, but it must analyze only the effects that remain to be addressed. ☐

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or Negative Declaration pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required. ☐

Benjamín Guerrero
Senior Planner
City of Chula Vista

Date

ATTACHMENT "A"

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

Bayvista Walk Project – IS-05-012

This Mitigation Monitoring and Reporting Program has been prepared by the City of Chula Vista in conjunction with the proposed Bayvista Walk Townhome project. The proposed project has been evaluated in an Initial Study/Mitigated Negative Declaration prepared in accordance with the California Environmental Quality Act (CEQA) and City/State CEQA Guidelines (IS-05-012). The legislation requires public agencies to ensure that adequate mitigation measures are implemented and monitored for Mitigated Negative Declarations.

AB 3180 requires monitoring of potentially significant and/or significant environmental impacts. The Mitigation Monitoring and Reporting Program for this project ensures adequate implementation of mitigation for the following potential impacts(s):

1. Air Quality
2. Paleontological
3. Hazards and Hazardous Materials
4. Hydrology and Water Quality
5. Noise
6. Transportation/Traffic

MONITORING PROGRAM

Due to the nature of the environmental issues identified, the Mitigation Compliance Coordinators shall be the Environmental Review Coordinator and City Engineer of the City of Chula Vista. The applicant shall be responsible to ensure that the conditions of the Mitigation Monitoring and Reporting Program are met to the satisfaction of the Environmental Review Coordinator and City Engineer. The applicant shall provide evidence in written form confirming compliance with the mitigation measures specified in Mitigated Negative Declaration IS-05-012 to the Environmental Review Coordinator and City Engineer. The Environmental Review Coordinator and City Engineer will thus provide the ultimate verification that the mitigation measures have been accomplished.

Table 1, Mitigation Monitoring and Reporting Program Checklist, lists the mitigation measures contained in Section F, Mitigation Necessary to Avoid Significant Effects, of Mitigated Negative Declaration IS-06-005, which will be implemented as part of the project. In order to determine if the applicant has implemented the measure, the method and timing of verification are identified, along with the City department or agency responsible for monitoring/verifying that the applicant has completed each mitigation measure. Space for the signature of the verifying person and the date of inspection is provided in the last column.

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Table 1 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure No.	Mitigation Measure	Method of Verification	Timing of Verification				Responsible Party	Completed		Comments
			T.M	Pre Const.	During Const.	Post Cost.		Initials	Date	
	AIR QUALITY									
1.	The following air quality mitigation measures shall be implemented during grading and construction. These requirements shall be shown on all applicable design and improvement plans as details, notes, or as otherwise appropriate, and shall not be deviated from unless approved in advance in writing by the City's Environmental Review Coordinator:	Environmental Projects Monitor to verify					Applicant/Developer			
a.	• Minimize simultaneous operation of multiple construction equipment units.		Notes On TM & Grading & Impro. Plans	X	X					
b.	• Use aqueous diesel fuel and lean NOx catalysts for all heavy diesel engine construction equipment.									
c.	• Use electrical construction equipment as practical	Environmental Projects Monitor to verify		X	X					
d.	• Use catalytic reduction for gasoline-powered equipment									
e.	• Water the construction area twice daily to minimize fugitive dust									
f.	• Pave permanent roads as quickly as possible to minimize dust									
g.	• Use electricity from power poles as opposed to mobile power generators			X	X					
h.	• Pave last 100 feet of internal travel path prior to exiting onto a public street	Environmental Projects Monitor to verify.								
i.	• Install wheel washers by a paved apron prior to vehicle entry on public roads									
j.	• Remove any soil/dirt from public streets within 30 minutes of occurrence									
k.	• Suspend all soil disturbance and travel on unpaved surfaces if winds exceed 25 mph									
2.	Prior to issuing a building permit, the Applicant/Developer shall provide a list of the architectural coatings that will be used on the project demonstrating that the average volatile organic compounds (VOC) content will not exceed 125 g/L, extend the time of application, or provide a plan that will show the combination or reduced VOC and extended time of application will result in emissions less than 55 pounds per day.	Environmental Projects Monitor to verify	Notes on Building Permit	X	X					

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	PALEONTOLOGICAL		T.M	Pre Const.	During Const.	Post Const.			
3.	The developer shall have a qualified paleontological monitor on the project site at all times during mass grading, excavation, and utility trenching activities in order to mitigate potential impacts to any undiscovered nonrenewable paleontological resources (i.e. fossils).	Environmental Projects to Monitor verify	X As a note on TM & grading plans	X	X		Applicant/Developer		
	HAZARDS/HAZARDOUS MATERIALS								
4.	The applicant/developer shall comply with all the procedures and methodologies delineated in the Revised Work Plan for Pesticide Assessment and Remediation prepared by SECOR International Incorporated, dated August 4, 2006 and as approved on August 22, 2006 (subsequently on 8/15/07), by the County of San Diego Department of Environmental Health Land and Water Quality Division for the project site.	Environmental Projects to Monitor verify by maintaining in contact with Environmental Consultant & County DEH	X As a note on TM & grading plans	X	X		Applicant/Developer		
	HYDROLOGY AND WATER QUALITY								
5.	In order to reduce potential water quality impacts, the Applicant/Developer shall be required to comply with the National Pollutant Discharge Elimination System (NPDES) regulations including the preparation and implementation of a Water Quality Technical Report (WQTR) & a Storm Water Pollution Prevention Plan (SWPPP). The WQTR shall be prepared pursuant to the provisions of the City of Chula Vista Development & Redevelopment Projects Storm Water Management Standards Manual. The SWPPP shall be prepared pursuant to the provisions of the NPDES General Construction Permit. The Applicant/Developer shall also implement water quality Best Practices (BMPs) as approved by the City Engineer.	Environmental Projects to Monitor verify w/Cdity Building and Engineering staff	X As a note on TM & grading plans	X	X		Applicant/ Developer		
6.	All runoff from the project area shall be directed to, and pretreated by, a Treatment Control BMP before discharge to public storm drainage systems. The design of high efficiency BMP's such as vegetated swales shall be in accordance with criteria established by the California Stormwater Quality Association in the California Stormwater BMP Handbook (BMP#TC-30)								

Public Comments and Staff Responses on the Bayvista Walk MND IS-05-012

(This document provides a transcript of comments received.)

Theresa Acerro's 8/9/07 comment letter (Rec'd E-Mail copy on 8/15/07)

*To Mayor Cox and members of the RDA, members of the CVRC, and David Garcia:
Having read the MND for Bayvista Walk and several of the technical reports I formally
request that staff be directed to correct the obvious errors in the document and reissue
the MND.*

*Comment #1: The project description in the MND and all the technical reports is for the
previous project. The description in all the documents and the description and the
diagrams in the technical reports need to be updated to the currently proposed project.
Indeed the current project has 10 town homes less, but CEQUA (misspelling) clearly
requires an accurate project description. Also in the MND and the Air Quality report it
is stated (p.4 MND, etc.) that construction will start in September of 2006 and all
residential and retail will be completed and occupied by end of 2007. This is obviously
incorrect.*

Response to Comment #1: Pursuant to CEQA Guidelines Section 15063 & 15071a *brief*
project description must be provided in the MND including a commonly used name for
the project, location of the project and the environmental setting. Details regarding the
reduction in Development Standards are included in the Precise Plan for the project and is
not a requirement of the MND project description.

The project description provided by the MND is correct and up to date. Technical reports
support the preparation of the MND. The Air Quality report and the Noise report were
subject to a third party review by City of Chula Vista environmental consultant RECON
using the new site plan design as the basis for their expert review. These reports were
deemed adequate for the proposed project with the exception that a recommendation for a
minimum five-foot solid wall be constructed along the northerly perimeter of the project
site for the purposes of adequately attenuating noise for a designated open space area.

The applicant's civil engineer (Lundstrom and Associates) prepared the drainage study,
water quality technical report, and sewer report based on the new project description and
site plan design. The project site has remained vacant with no significant change and
therefore the cultural report, paleontological report, geotech report, biological survey, and
the phase I and Phase II environmental site assessment reports were utilized as originally
prepared since the conditions and potential impacts that these reports evaluated would not
be affected by the proposed site plan design.

*Comment #2: On page 6 of the MND it states, "A human health risk assessment will be
prepared prior to the issuance of a grading permit and will need to accompany any
proposed corrective grading or capping operation." It is inappropriate that this HRA is*

not included in the MND. The decision makers cannot certify this document without this HRA assuring that the health risks from Hazards/Hazardous Materials have been adequately analyzed and dealt with. (In this case from the pesticide contamination on the site.)

Response to Comment #2: With the original proposal, the site was subject to the preparation of a Phase I and Phase II Environmental Site Assessment, and a workplan that delineated the remediation of the pesticide contaminated soil. The technical reports and soil remediation workplan were subject to review and approval by the San Diego County Department of Environmental Health, Site Assessment and Mitigation Division. The workplan prepared by Secor International, Inc (environmental consultants) was approved by the County Department of Environmental Health on August 22, 2006.

Since that approval date by the County, the applicant submitted a new development site plan. The new site plan layout was submitted to the County Department of Environmental Health for their evaluation. Based on this subsequent evaluation, the County Department of Environmental Health approved the workplan on August 15, 2007 and made the following determinations:

- An estimated 2,892 cubic yards of impacted soil are found at the site
- The new site layout is sufficient to support the impacted soil relocation due to the required grading for the site
- The concentrations of pesticides found at the site were compared to the EPA Region 9 Preliminary Remediation Goals (PRGs). [NOTE: PRGs are risk-based concentrations of contaminants used to assist risk assessors in evaluating human health risk.] Of the eighteen soil samples taken only four (4) showed being slightly higher than the PRG.
- As a remediation solution and based on federal regulations, the applicant's geotechnical engineer has recommended in the revised workplan, that soil over the entire site be excavated and recompact to varying depths below the ground surface, and that the impacted soil be placed below the structure foundations with a minimum of three feet of clean cover. Based on this recommendation, the County DEH has determined that a human health risk assessment will not be required.

The County Department of Environmental Health will be notified prior to startup of the excavation/remediation activities for the site. The proposed development offers the opportunity to clean up the environment by adequately remediating contaminated soils from within an existing residential community.

Comment #3: The hydrology section of the MND concludes that the run-off from this site will not adversely impact "the existing 24-inch RCP" in Palomar St., but does not deal with the effect upon the channel along the Salt Ponds into which this pipe empties or the capacity of the pipe going under the freeway. Likewise it says that the street curb will keep the flow going down Industrial from flooding project and street, but does not deal with effect upon natural channel between Ada and Dorothy into which this water will

flow, and which is already stressed or the capacity of the narrow pipe going under the freeway there.

Response to Comment #3:

- 24-inch RCP crossing Palomar Street

The 24-inch RCP that cross Palomar Street, near Trenton Avenue, was constructed as part of a Capital Improvements Project (CIP No. ST-922) for Palomar Street and it was designed to convey a 10-year, 6-hour storm event.

The City of Chula Vista, in October and December of 2000, prepared two reports titled: *"Drainage Study for Palomar Street Improvements from Interstate 5 to Industrial Boulevard"* and *"Supplement No. 1 / Drainage Study for Palomar Street Improvements from Interstate 5 to Industrial Boulevard"* that analyzed the drainage patterns of Palomar Street and the vicinity areas to size the storm drain system and other street improvements.

The site of the proposed Bay Vista Walk project was a part of the area of study of the CIP No. ST-922. The *"Drainage Study for Palomar Street Improvements from Interstate 5 to Industrial Boulevard"* assumed that the ultimate condition of the area under consideration was going to be a combination of suburban and commercial land use; with this rationale, the runoff coefficient "C" for the project site ranged from 0.70 to 0.90. The 2000 drainage analysis determined that the runoff generated by the tributary area discharging to Palomar Street, for a 10-year storm event, was going to be 20.04 cfs, which required a 24-inch pipe to convey the flow.

The drainage study prepared by Lundstrom & Associates for the Bay Vista Walk Project titled: *"Preliminary Hydrology and Hydraulic Study Bayvista Walk"*, determined that the flow generated by the 10-year storm event was 9.48 cfs. Comparing the flows calculated by City staff in the 2000 drainage study for CIP No. ST-922, and the flows calculated by Lundstrom & Associates for the Bay Vista Walk Project, we could conclude that the 24-inch RCP storm drain crossing Palomar Street would not be impacted by the runoff generated by the proposed Bay Vista Walk Project.

- Downstream Storm Drain System (Under Interstate 5 Freeway)

The City of Chula Vista, as part of the construction of the street improvements for the Palomar Street, analyzed the capacity of the downstream storm drain system. The analysis was presented in the report titled: *"Supplement No. 1 Drainage Study for Palomar Street Improvements for Interstate 5 to Industrial Boulevard"*, dated December 14, 2000. The hydrology for the abovementioned study was based on the criteria stated in Section 3-200 of the City of Chula Vista Subdivision Manual and the as-built plans for Interstate 5 (Caltrans Contract No. 11-122404, sheet 47 of 437). Per Caltrans as-built plans, there currently exist a tri. 5' X 3" reinforced concrete box culvert (RCB) that conveys the runoff associated with the proposed Palomar Street project across Interstate 5. It was determined that the overall capacity of the tri. 5' X 3' RCB is approximately

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310 cfs, compared to the 176 cfs that the tributary basin (including the proposed Bay Vista Walk Project) will generate. The results of the City's capacity analysis showed that the tri. 5' X 3' RCB is adequate to convey the associated runoff.

- Storm Drain Improvements Along Industrial Boulevard

The existing 12-inch PVC storm drain that crosses Industrial Boulevard at the northeasterly side of the proposed Bay Vista Walk Project, was designed as part of the CIP for the Palomar Street Improvements (CIP No. ST-922). In the "*Drainage Study for Palomar Street Improvements from Interstate 5 to Industrial Boulevard*", it was determined that the runoff that the tributary area will generate for the 10-year storm event was 1.36 cfs. The drainage study prepared by Lundstrom & Associates for the Bay Vista Walk Project titled: "Preliminary Hydrology and Hydraulic Study Bayvista Walk", determined that the flow generated by the 10-year storm event tributary to the existing 12-inch PVC storm drain was 1.52 cfs. Comparing the results from the City's 2000 drainage study and Lundstrom & Associates' drainage report for the proposed project, we could conclude that the existing 12" PVC storm drain that crosses Industrial Boulevard is adequate to convey the associated runoff.

Comment #4: The trip generation figures were incorrectly calculated as 6 per du, which on the SANDAG chart is for apartments. 8 is the figure commonly used for condominiums/duplexes. Podium dwellings may be apartments, but at least 104 du are town homes and should use 8 for calculation of ADT.

Response to Comment #4: The traffic report counted the number of units on the site, including those on the podium building, as 164 units (project is now 154 units). The site itself is just over 5 acres. This equates to approximately **32 units/acre**. In preparing traffic reports, the City estimates traffic generation characteristics based on rates in the SANDAG (*Not So*) *Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region* (April 2002). Trip generation rates are as follows:

Condominium (or any multi-family **6-20 DU/acre**): 8 trips/DU

Apartment (or any multi-family units more than **6-20 DU/acre**): 6 trips/DU

Based on the proposal, 6 trips per DU is an appropriate figure to use to determine trip generation rates for this project.

Comment #5: Page 13 #13 Mitigation for traffic impacts is the exact same mitigation already assigned to a Marsella Villas in January 2007. This mitigation was assigned for impacts of 40 town homes and obviously is inadequate for 154. Also since it will be built by the time this project starts construction some other mitigation needs to be found for this project's impacts.

Response to Comment #5: Cumulative impacts are those impacts that are not necessarily caused by one development alone – they are caused by overall growth of an area. In areas where traffic related thresholds are close to being triggered, it is quite possible for any development, no matter what size, to trigger a cumulative impact. In this

case, either the construction of Marsella Villas OR the construction of Bayvista Walk, would trigger the impact at the intersection of Frontage and Palomar.

As a result, whichever project is built first, Marsella Villas or Bayvista Walk, will need to mitigate the cumulative impact at the intersection of Frontage and Palomar. The fact that the mitigation language is identical for both projects demonstrates consistency in the assessment of project traffic impacts. On Page 23 of the Bayvista Walk traffic study, traffic volumes expected from Marsella Villas was accounted for (at the time the report was written, the project was not called Marsella Villas, it was called Bay View). Additionally, the project at the southwest corner of Ada and Industrial was also accounted for as well (see page 23 of Bayvista Traffic Report).

Comment #6: The Frontage entrance can not be considered as the primary entrance since the median will prevent left turns in or out at Frontage and Palomar. This most likely will only be used as an exit when going east or entrance when exiting freeway from the south or coming from Bay Blvd. This will put the major traffic load onto Industrial. The effect upon Industrial of the median has not been analyzed.

Response to Comment #6: Until the proposed phase II portion of this project is built, the Frontage Road access will remain as the primary entrance and exit to the project site. In addition, the Frontage Road entrance will remain as a primary entrance to the site (for those vehicles traveling east on Palomar Street from Interstate 5). The intersections of Industrial Boulevard & Ada Street and Industrial Boulevard & Palomar Street were analyzed by the traffic study and found to operate at acceptable levels for both for the short term and long term scenarios. No direct or cumulative traffic impacts were identified by the traffic study that would adversely affect the level of service of the aforementioned intersections. The City Traffic Section has further reviewed the proposed Palomar Gateway Beautification improvements with respect to this project and found that there are no direct or cumulative impacts that would adversely affect the level of service.

The traffic study prepared by Katz, Okitsu & Associates (KOA) clearly states that with the proposed mitigation (whether a signalized intersection or construction of a partial median closure) to alleviate peak hour traffic impacts to the intersection of Frontage Road/Walnut Avenue & Palomar Street would improve the operational performance of this intersection to an acceptable level of service, under all study scenarios (page 36 KOA report November 2005). Pursuant to Tentative Map condition #25 the applicant will be required to construct the partial median at the intersection of Frontage Road/Walnut Avenue & Palomar Street.

Comment #7: The Traffic Report needs to be redone. Air Quality and Noise also need to be redone because they are based upon this outdated Traffic Report. Even the updates used the incorrect figures in the Traffic Report issued in November 2005.

Response to Comment #7: The Air Quality Report and Noise study were reviewed by a third party consultant (RECON) and were found to be adequate with the one

recommendation for a five foot sound wall to be added along the northerly perimeter of the proposed open space area of the project site.

Errors in Traffic Report:

Comment #8: (#1) Page 20 Existing Plus Project Roadway segments incorrectly reports 42,025 when the city's TMP reports 44, 238 as an **existing** condition in 2005 between I-5 and Industrial.

Response to Comment #8: See Response to Comment #10.

Comment #9: (#2) Page 24 reports 42,533 as Existing plus Cumulative plus project. City's TMP reports 44,238 as an **existing** condition in 2005 between I-5 and Industrial without the project and 56,963 as the count in 2008 without the project.

Response to Comment #9: See Response to Comment #10.

Comment #10: (#3) Page 28 Horizon Year 2010 Daily Roadway Segment Conditions reports 43,000 while the city's TMP count reports 56,963 as the count in 2007.

STA	OLD STA	ST Names	FROM	TO	2005	2006	2007
Pal-1	335	Palomar St.	Bay Blvd	I-5	nc	nc	nc
Pal-2	336	Palomar St.	I-5	Industrial	44236	nc	56963
Pal-3	337	Palomar St.	Industrial	Broadway	33191	nc	35073
Pal-4	338	Palomar St.	Broadway	Orange	nc	nc	nc

Nc = no count

Response to Comment #10: The City Traffic Section section did count the volume of Palomar Street as part of the 2007 TMP Program. After the large difference in volume between the traffic report and the 2007 count was pointed out, the City repeated the volume count on Palomar Street. Our most recent count (conducted in August 2007) resulted in a volume of 44,650 vehicles per day. The City also asked the traffic consultant on the project to re-count the volume on Palomar. The consultant expects an increase of approximately 3,950 – 4,500 trips over what was originally counted. Traffic Engineering therefore feels the 56,963 was a flawed count (potentially created by a loose tube or incorrect setting on the counter). The 3,600+ increase in trips (difference between 40,957 and 44,650) this creates along Palomar is approximately 8%, matches what the

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traffic consultant expects to see, and fits the City range of 1-4% per year of increased trips on Chula Vista roadways.

Because of this 8% volume increase, the City has asked the traffic engineering consultant for the project to send us a letter addressing what additional impacts, if any, are now expected on Palomar and Industrial.

Comment #11: (#4) Page 25 Existing plus Cumulative Projects Plus Peak Hour Intersection Conditions has the intersection of Frontage and Palomar as F and Industrial and Palomar as C with the project, but the 2006 TMP Segment LOS without project or cumulatives mentioned in report have the whole stretch as D and E all day long in 2006 and 2005:

The report is obviously dated and the data is questionable when compared with the city's own data. It does conclude on page 38 that the mitigation suggested would not change the F condition at all, which would make an MND inappropriate for the project since this would be an unmitigated negative effect. All impacts must be mitigated to below significance for an MND to be valid. It would also make the project in violation of Cummings.

2006 TMP SEGMENT LOS
ALL TIME PERIODS
ARTERIAL INTERCHANGE SEGMENTS (report of GMOC 2005-'06FY)
I-5

		7-8AM		8-9AM		11:30-12:30		12:30-1:30		4-5PM		5-6PM	
class	Dir	LOS	speed	LOS	speed	LOS	speed	LOS	speed	LOS	Speed	LOS	speed
Palomar													
Bay Blvd.- Industrial	EB	D		12.1	('06)	D	9.4('06)	E	8.9('06)	E	8.5('05)	E	8.1('05)
(TMPII, HCM4)	WB	C		18.7	('06)	D	12.8('06)	D	11.5('06)	D	11.5('05)	D	12.6('05)

Response to Comment #11: The LOS F for the intersection of Frontage and Palomar mentioned as an intersection LOS is inaccurate – it is not an intersection LOS, it is a minor movement LOS. The LOS for the intersection is B, the LOS for the northbound minor move is F. The City specifically report the left turn minor movement at uncontrolled intersections to see impacts sooner or to a greater degree. The letter further compares intersection LOS for Industrial and Palomar with segment LOS of Palomar. It should also be noted that GMOC thresholds do not apply to this section of Palomar, as it is an interchange segment, not a local roadway segment. Lastly, the portion regarding page 38 discussing no change to the LOS F condition is incorrect. Page 38 actually shows post mitigation levels of service in the B and C range. The proposed project although very similar in description and design proposes less number of dwelling units than the project that was analyzed by the traffic study. The traffic study prepared by Katz, Okitsu & Associates (KOA) clearly states that with the proposed mitigation (whether a signalized intersection or construction of a partial median closure) to alleviate peak hour traffic impacts to the intersection of Frontage Road/Walnut Avenue & Palomar

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Street would improve the operational performance of this intersection to an acceptable level of service, under all study scenarios (page 36 KOA report November 2005). The project would not result in unmitigated effects, therefore an MND is an appropriate document to disclose the projects impacts.

Comment #12: (#8) The project clearly contributes to the city's violation of the Cummings Initiative and growth management ordinances, since it will contribute to a traffic condition that violates the threshold. We are aware that the GMOC thresholds do not include freeway interchanges, but Cummings does not make any distinction between streets that involve freeway interchanges and others. 19.80.010: "C This intense development has overloaded the capacity of the city streets and thoroughfares to move traffic safely, efficiently, and has failed to meet traffic demands.. ." 19.80.020: ""ensuring that the future traffic demands do not exceed the capacity of the streets.. ." The wording clearly applies to all city streets. There is also the problem that the project is not paying anything toward its negative impacts (no traffic fee, no mitigation?). This is out of compliance with (19.80.030 A.) "If the existing major city streets and thoroughfares (Palomar) do not have capacity to accommodate the proposed development without substantially altering existing traffic patterns or overloading the existing street system, then construction or widening of a major link or links in the major traffic network shall be staged as necessary to ensure the quality of existing traffic flow is maintained."

Clearly Palomar needs to be widened to 6 lanes from Bay Blvd. to Frontage at the very least to correct this problem that has been exasperated by the three condo projects already built and occupied on Ada since 2005. The volume/capacity standards for city streets is being surpassed. The city must enlarge the street to increase its capacity to what existing traffic demands before new traffic can be added. If the city can not now afford to increase the capacity of the street, obviously it can not now afford this project. This is what the purpose and intent of Cummings requires. It is the city's and the developer's responsibility to pay their fair share as CALTWS informed the city on July 10,2006 in a letter specifically concerning the EIR for the UCSP, but in general reminding the city of the two recent court cases that have found jurisdictions responsible for cumulative effects upon regional facilities caused by approvals within that jurisdiction.

and analyzed when determining a project's impacts. A cumulative impact is the sum of the impacts of existing conditions, other projects, and the project itself. Caltrans supports the concept of "fair share" contributions for future interchange improvement projects, ramp improvements, signal installations, and/or other measures to mitigate for direct and cumulative traffic impacts created by new projects.

Response to Comment #12: The GMOC 2007 Annual Report found that "All Citywide signalized arterial segments are operating at level of service in compliance with threshold standards.." with the exception of a portion of Heritage Road in the eastern portion of the City.

In the late 1980's, a citizen initiative referred to as the "Cumming's Initiative" was passed by a majority vote of the electorate and was incorporated as Chula Vista Municipal Code (CVMC) Section 19.80 (Ord.2309 Initiative 1988). The Ordinance contains provisions that limit the rezoning of a property. Section 19.80.070 (D) states that:

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“Rezoning commercial or industrial property to a residential zone shall be permitted only to the maximum residential density corresponding to the potential traffic generation that was applicable prior to the rezoning to residential.”

It should be noted that the proposed rezone is from commercial to commercial (CT-P to CC-P). Nonetheless, since the CC-P zone allows residential development at an R-3 density, the following analysis, as set forth in Section 19.80.070(D), provides a formula for comparing the potential development under the CT-P zone and the proposed development.

For the proposed rezone, the comparison would be between the existing potential traffic generation associated with the development under the existing CT-P zone and the corresponding maximum residential density that could be permitted. Based on standard traffic generation rates (SANDAG 2002 “Not So Brief Guide of Vehicular Traffic Generation Rates for The San Diego Region”), commercial and office uses generate significantly greater traffic than residential uses. For example, the existing 4.89 acre site (213,008 square feet) zoned CT-P would have the potential to develop up to a 319,512 square foot building. This is based on the CT-P zone’s existing development standards which allow 50% lot coverage ($50\% \times 213,008 \text{ sq. ft. site} = 106,504 \text{ sq. ft.}$) and up to a three story height limit (3 stories \times 106,504 sq. ft. per floor). Using SANDAG’s standard traffic generation rates for commercial uses (40 trips /1,000 square feet), a total of 12,780 trips would be generated from a potential commercial building of that size.

Based on the criteria in Section 19.80.070 (D) above, the maximum residential density could not be more than the potential traffic generated by the commercial use (i.e. 12,780 trips). This equates to up to 2,130 multi-family units (12,780 trips divided by 6 trips per multifamily dwelling unit) on the 4.89 acre site, which would be 435 du/ac. Pursuant to the November 2005 “Traffic Impact Study” prepared by Katz, Okitsu & Associates (KOA) this project has potential to generate 1,944 trips with the combined residential and commercial components. Because commercial and office uses generate significantly greater traffic than residential uses, a zone change from commercial to a multi-family residential category could never result in residential traffic generation greater than the corresponding potential traffic generation from a commercial development. Therefore, as illustrated above, zone changes from commercial to a commercial zone that allows residential development would not conflict with Section 19.80.070 (D) of the ordinance.

The project will be required to contribute its fair share towards the improvement of public services and facilities through payment of the City’s Development Impact Fees and other conditions of approval. These include existing City Public Facilities Development Impact Fees (PFDIF), park acquisition and development (PAD) fees, sewer, traffic signal fees, as well as a future Western Transportation Development Impact Fee (WTDIF).

Theresa Acerro’s 8/27/07 comment letter

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Comment #13: The purpose of CEQA is full disclosure of environmental impacts. This requires a detailed and specific project description. The project description on page 1 fails to provide a full and detailed description of the project. 15124. Project Description Discussion: This section requires the EIR to describe the proposed project in a way that will be meaningful to the public, to the other reviewing agencies, and to the decision-makers. Although the statute contains no express requirement for an EIR to contain a project description, the statutory points of analysis need to be supplemented with a project description for the analysis to make sense. This section is a codification of the ruling in County of Inyo v. City of Los Angeles, cited in the note. There the court noted that an accurate description of the project has been required by case law interpreting the National Environmental Policy Act. The state court of appeal declared that an accurate, stable, finite project description is an essential element of an informative and legally sufficient EIR under CEQA. Public Resources Code. This is an MND but similar requirements should be expected for a full and complete project description.

Response to Comment #13: See Response to Comment #1.

Comment #14: Figure 3 appears to show a .13-acre recreation area in the same spot as the water quality BMP in the technical report. The decorative pavements that are meant to provide a porous surface appear much smaller than in the water quality report.

Response to Comment #14: Pursuant to mitigation measures #5, #6 and #7 of the Mitigated Negative Declaration, the project has been conditioned to comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) regulations including the preparation and implementation of a Water Quality Technical Report (WQTR) and a Storm Water Pollution Prevention Plan (SWPPP). The applicant /developer is required to implement water quality Best Management Practices (BMPs) as approved by the City Engineer.

It is not clear if comment # 14 refers to the two bio-retention sand filters located near the northerly boundary of the project, almost at the middle of the site. If this is the case, then please note that those bio-retention sand filters were sized to capture the runoff generated from the 2-year storm, or 85th percentile. According to the Treatment Control BMP Information shown in the appendix of Lundstrom & Associates' WQTR for the proposed Bay Vista Walk Project, BMP # 1 (Bio-retention Sand Filter # 1) should have a filter bed surface area of 229 sq ft, and BMP # 2 (Bio-retention Sand Filter # 2) should have a filter bed surface area of 275 sq ft. The dimensions of the bio-retention sand filters recommended by the WQTR will be implemented in the grading plans as a condition of approval. The small areas required for the bio retention sand filters have been incorporated into the design of the open space area.

Comment #15: The primary entry to the project cannot be on Frontage due to the elimination of left turns caused by the median to be built as a condition of Marsella Villas project.

Response to Comment #15: See Response to Comment #6.

Comment #16: On page one it is stated, "the city required parking for the mixed use podium would be provided in a subterranean garage." Figure 3 shows most of this lot covered with parking. There is insufficient detail regarding this podium project for it to be included in the MND. It must have its own environmental analysis in the future. The Water Quality Technical Report also states that it must have its own water quality study.

Response to Comment #16: The application packet for the proposed project contains all the basic information to adequately conduct the required environmental evaluation and determinations for the entire project. Figure 3 of the MND is the proposed site plan for the entire mixed use project. As a site plan, it only shows the surface layer of the concept plans, which includes level one of the condominium project (Lot 1) and the five-story building on Lot 2. The packet submitted by the Applicant includes drawings in schematic format for the rest of the floors of the corner building, including the underground parking, the surface level (shown on Figure 3), and building levels two, three, four and five. Pursuant to Conditional Use Permit condition #38, Phase 2/Lot 2 of the project will be required to conform to various design guidelines and a design review permit.

The MND analyzes the environmental impacts of the entire project site (Lots 1 and 2) for 154 residential units and 5,000 to 10,000 square feet of retail uses as detailed in the site plan. The podium building in Lot 2 and its potential impacts to the environment have been adequately analyzed by the MND through the preparation of many applicable technical reports including cultural, paleontological, traffic, noise, biological, air quality, phase I & II, sewer, drainage and hydrology and water quality technical assessment.

Comment #17: The description does not include the variances being requested, which is a critical part of the problem with the effect of the project on aesthetics and community character. On page 2 there is reference to "future neighborhood park on Oxford." Is a new park planned or is this just another proof an old document was used?

Response to Comment #17: See Response to Comment #1 and #16. The project is not requesting a variance. The site is designated as a "Precise Plan" (P) modifying district and is proposing a precise plan as noted in the project description. Through the precise plan, the project proposes a reduction in the amount of open space and a reduction in the front yard building setback. A precise plan, which is a mechanism provided by the Chula Vista Municipal Code (19.56.041) is used to allow diversification in the spatial relationship of land uses, density, buildings, structures, landscaping and open spaces, as well as design review of architecture and signs through the adoption of specific conditions of approval for development of property in the city. Within the boundaries of the Precise Plan modifying district, the location, height, size and setbacks of buildings or structures, open spaces, signs and densities indicated on the precise plan must take precedence over the otherwise applicable regulations of the underlying zone. The Precise Plan and the required findings will be presented in the reports to the Planning Commission, Chula Vista Redevelopment

Corporation and the City Council. The Precise Plan will be considered by these review bodies and will be subject to their approval during the public meetings.

The referenced park on Oxford Street was recently built and is currently in operation. In addition to the Oxford Park, the 2005 General Plan calls for the construction of a future neighborhood park in the area bounded by Industrial Boulevard, Ada Street and Dorothy Street. Policy LUT 43.14 states the following:

“Provide for the development of one Neighborhood Park within or near the Palomar Gateway District.”

Comment #18: An urban design strategy, entitled “Palomar Gateway TOD District Conceptual Development Strategy” was developed for the entire Palomar Gateway District with no input from the existing residents, no approval or input from any commissions or the city council. This document is being used to justify this project. This is entirely inappropriate and inconsistent with practice anywhere else in the city of Chula Vista. This is a neighborhood in the lowest income area of Chula Vista. Environmental Justice requires that the residents be given the same opportunity to plan what is best for their community as the rest of the residents in the city. Instead the developer was made to hire an outside planner who has in effect written a specific plan for an entire neighborhood and now city staff is implementing it without any involvement of the residents of the area. The General Plan was meant to be a general document giving broad ideas for a large area, not specific design guidelines or parcel-by-parcel planning. The existing zoning should stay in place until changes have been vetted with the community and through all legally required processes. This has not been done in the southwestern part of the city and the residents are suffering the consequences of this piecemeal planning. This is clearly an environmental justice issue since such practices do not occur in other areas of the city. The concept of a precise plan is only used consistently in the southwest to circumvent the need for a community developed specific plan. The planners choose to work with favored developers and ignore the community and the negative effects upon the community of this type of planning. CA Government code § 65040.12:

(e) For the purposes of this section, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

Response to Comment #18: See Response to Comment #17. In December 2005, after several years of community input, the General Plan designation for the project site was amended from Residential-Low Medium (3-6 dwelling units per acre) to Mixed-Use Transit Focus Area, and the site included in the future Palomar Gateway District. General Plan Objective LUT 43 calls for the establishment of a Mixed Use Transit Focus Area around the Palomar Trolley Stations and provides a set of detailed policies in terms of development uses, intensity, design and amenities for the District.

The “Palomar Gateway Transit Oriented Development District Conceptual Development Strategy” was not used to justify the project. The project has been evaluated for

consistency with the relevant goals and policies of the 2005 General Plan. In staff's opinion, the Project sets a positive precedent for implementation of the new General Plan goals and objectives and for the revitalization of the neighborhood.

Comment #19: This MND does not treat the residents of the Palomar Gateway or southwest area fairly, since they were excluded from the planning of this project and their input at the single public meeting held in 2005 or 2006 at Harborside School was totally ignored as was the input given at the MAAC Project on June 25, 2007. The existence of a plan conceptual or not is evidence of this unfair treatment and the premeditated plan to exclude the community. Presentations on planning were given for three months to the members of the SWCVCA at which consistently the existence of a plan was denied and the community was assured they would be able to contribute to a specific plan.

Response to Comment #19: In addition to the community outreach associated with the General Plan Update, the following is a brief summary of the project specific public input received to date.

The first application from Olson was submitted to the City for review on February 8, 2005 (Initial Study) and a subsequent application for Design Review was received on April 22, 2005. Olson first presented the proposal to the public at a neighborhood meeting on October 6, 2005. These applications called for the construction of 104 residential units and 5,000 square feet of commercial space. This application was submitted at the time when the City was in the process of formulating its General Plan Update, which was adopted in December 2005. In 2006, the project was significantly modified in order to more closely conform with the updated General Plan Mixed-Use/Transit Focus Area (TFA) land use designation. It then went through another round of review by City staff and an informational presentation to the Design Review Committee and Sub-Committee in January 2006.

The modified plan called for the construction of 154 units and 8,244 square feet of commercial space, and the remaining required applications were submitted to the City on September 8, 2006 for a zone change, conditional use permit and tentative map. The modified proposal was presented at a neighborhood meeting at Harborside Elementary School on September 28, 2006. In October 2006, the modified proposal was presented for preliminary review to the Design Review Committee. However, at the end of 2006, the Olson Company decided to withdraw that plan due to concerns about construction costs and market conditions. In February 2007, Olson submitted yet another preliminary site plan, which included the same number of residential units and commercial space but provided a different product type and site arrangement.

As a result, staff considered the site plan as a new submittal and has thus required the project to be subject to the new Redevelopment Advisory Committee (RAC) and Chula Vista Redevelopment Corporation (CVRC) review and approval process. The purpose of the RAC is to gather early public input through a community-based advisory board on

development applications, with emphasis on design and on conformity with adopted plans, ordinances, and guidelines.

The project was presented to the RAC for an initial review on May 3, 2007 and subsequent review on August 2, 2007. In addition, the applicant attended the July 25, 2007 Southwest Civic Association meeting, and the project was brought to the CVRC for preliminary design review on August 9, 2007.

Comment #20: The result for the southwest community has been the burden of regional traffic congestion, streets packed with cars due to inadequate parking, and a high concentration of homeless individuals littering the streets and frightening community members as well as overtaxed and inadequate infrastructure.

Response to Comment #20: See Response to Comment #10, #18 and #19.

Comment #21: Indeed this project is near a trolley station, but this station is already on the line with the highest volume of use in the county. There is already standing room only on the cars during rush hours. Essentially there is no more room for increased rider ship and the blue line needs extensive repairs: Black-and-Blue Line in need of makeover Trolley passengers get rough ride on deteriorating north-south route By Steve Schmidt STAFF WRITER UNION TRIBUNE May 20, 2007 Because of excessive traffic on Palomar anyone choosing to ride the trolley would probably drive over there rather than walk. It is not likely that many if any of the residents of the town homes will regularly use the trolley.

Response to Comment #21: Comment is noted.

Comment #22: Public Meetings - There is no mention of the public meeting at Harborside in the MND, which was attended by close to 30 fairly vocal people as I recall. It is mentioned that no one commented on the Initial Study, but people essentially did not understand what the city was up to nor that they were expected to send in comments. This was before the General Plan was adopted and before the community was aware of the need to get involved. If the Notice had been sent again when the developer returned with a new plan there would have been comments. This is essentially another attempt to disempower the community by ignoring the many barriers they face to involvement.

Response to Comment #22: See Response to Comment #18 and #19.

Comment #23: The plans I saw in the folders at planning did not list the brand names of the paints and other coverings that would be used. Without this information it is impossible for the public to know if indeed the VOC will be reduced below the threshold or not. This information must be provided since there is a huge difference in VOC content in architectural coatings. There needs to be a way of monitoring the length of time for application. There is no timeline included, so the public has no means of verifying these statements.

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Response to Comment #23: Mitigation measure #2 of the Mitigated Negative Declaration requires the applicant/developer to demonstrate, that prior to the issuance of any building permits, the selected architectural coatings, their application and timeline used will not exceed 55 pounds per day of VOC.

Comment #24: Traffic - Page 4 talks of long-term impacts using incorrect data. The trips were calculated as 6 per unit when the correct figure for town homes is 8. Also 105 driveway trips for the morning is too low considering we are talking about 154 families who must all have at least one employed member to be able to afford these homes. Most will have two employed members-each driving separately. It is inappropriate to reduce this by 10% since the trolley line is already at capacity. There is also the inaccurate statement that homes and businesses would be completed in 2007. Using an outdated traffic report from 11/05 is not acceptable since the city's TMP shows an increase of almost 15,000 cars per day on Palomar since then. This would significantly increase the pollution as well.

Response to Comment #24: See Response to Comment # 4 and #10.

Mitigations

Comment #25: Air Quality - There is no mention of the mandatory AQIP. On 9/22/06 Olsen submitted a custom building program plan for the Green Star Building Efficiency Program, using solar and exceeding Title 24 by 15%. What happened to this plan? Considering that the city has increased its CO by 35% (because of residential development) instead of reducing it to 1991 levels as called for by the Growth Management Program, all residential developments should be required to start doing their share to get these figures going down instead of steadily increasing. This is a cumulative effect upon an area of non-compliance with a standard. What is Olson going to do? This is not mentioned in the MND or the Air Quality Report.

Response to Comment #25: CVMC 19.09.050 outlines requirements for public facilities finance plans, air quality improvement plans (AQIP), and water conservation plans (WCP). While CVMC 19.09.110 exempts the developed areas of the City from the submittal of a PFFP, AQIP or WCP, the City's implementation guidelines for AQIPs and WCPs approved in 2003 require all projects greater than 50 units to submit a AQIP and WCP. The AQIP and WCP are tied to the building or construction phase rather than the environmental analysis process of the project and must be completed and approved prior to the issuance of building permits and initiated in coordination with the approval of the tentative map. The applicant has initially submitted the AQIP and WCP plan and will be finalizing for approval prior to building permit issuance.

The applicant has indicated that they qualify for points with the EED Program (Leadership in Energy and Environmental Design) headed by the United States Green Building Council based on the proposed type of development. The LEED ND (Neighborhood Development) encourages infill development near transit. In order to qualify, the following must be met:

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- Infill (located in existing community not “sprawl”)
- In close proximity to schools and existing “infrastructure”
- Transit Oriented (within ¼ mile of transit stop)
 - Reduced automobile dependence (fewer trips)
 - Higher Density (more homes in less space=more efficient)
 - Pedestrian connections throughout the development and to public street
 - Contains an “affordable housing” element

In addition, the applicant will be incorporating the following environmentally conscious design standards:

- High efficiency irrigation equipment
- Reduced planting areas with minimal turf
- Drought tolerant/water efficient plant choices
- Low “E” energy efficient glass
- Energy Star Appliances
- Extra Insulation
- More efficient water heaters (not tankless)

Comment #26: Hazards and Hazardous Materials - It is not stated in the MND but is stated in DEH letter 8/15/07 that all neighbors have to be given written notice of grading and potential hazard from contaminated dust before any grading starts. This notice must be in English and in Spanish.

Response to Comment #26: See Response to Comment #2 and Mitigation Measure #4. The County DEH letter states that excavation activities must follow the DEH approved Community Health and Safety Plan prepared by the applicant’s environmental consultant. As part of the Community Health and Safety Program a public notification program will include the preparation and distribution of notices to residences and businesses adjacent to the site where work is being performed. Notices will also be posted around the perimeter of the site for interested parties. During each step of the grading process, including the soil removal and burial process, reasonable precautions and measures will be taken to control dust from the site. This includes the use of frequent spraying of water in order to control dust migration off of the site.

Comment #27: Hydrology - Appendix D of the Drainage study is supposed to give a complete analysis of existing capacity and effects of project but essentially confines itself to pipes in immediate vicinity. This is an incomplete analysis. 7.9 acres will drain through node 100 and 400 under Palomar and Trenton. It is really not adequate to say that this pipe once improved will be able to carry all storm runoff. This pipe eventually must cross under the freeway through a rather undersized pipe and drain into a natural channel that makes its way to the bay through a natural channel between salt ponds. This channel is tidal and the combination of high tides and extreme storm events has not been added to the calculation, nor is there an evaluation as to the size of the pipe going under I-5, which obviously can not be altered and is the weakest point in the system since the added permeable surface will increase the runoff according to the report.

It appears that nodes 200 and 300 (about an acre) will drain through a barely large enough pipe that will likely cause water back up to the curb height (a possible danger to increase traffic on Industrial) and be directed for some strange reason across Industrial to a natural channel along trolley tracks that now drains through a pipe back across Industrial into the natural channel between Ada and Dorothy that has significant problems already. J. Sanchez was allowed to build condos in the floodplain by building a ten-foot wall on the north side of the channel. There are properties at the same level as the channel on the south side. The pipe going under the freeway not only is small in width, but the amount of trash in the channel would indicate a good chance of clogging in the event of a storm event. This would obviously cause potential flooding of property (homes) to the south. It would seem that this should be dealt with in this report and the project should pay its share of improving the channel and keeping it clear of trash. This area in the secret plan is dedicated open space park. I believe that the property owners on each side actually own it unless the city has an easement.

Response to Comment #27: The proposed site of the Bay Vista Walk project was divided into four drainage basins for its study: Basin 100, Basin 200, Basin 300, and Basin 400. The Basin 100 will drain into the existing 24" RCP storm drain that crosses Palomar Street; it is estimated that the flow for the 100-year storm event is 13.1 cfs. Basin 200 will drain to the existing 12" PVC storm drain that crosses Industrial Boulevard and the 100-year storm event flow is 2.0 cfs. The 100-year event runoff of 2.4 cfs of Basin 300 will be conveyed through the curb and gutter along Industrial Boulevard. The 100-year storm event runoff of 1.0 cfs of Basin 400 will be conveyed through the curb and gutter along Frontage Road.

Per the Flood Insurance Rate Map (FIRM), the proposed Bay Vista Walk Project is **not** within the "Special Flood Hazard Area Inundated by 100-year Flood" and is not subject to flooding.

The Lundstrom & Associates' drainage report analyzed the impacts of the nearby pipes and determined that since the runoff generated by the proposed project was equal, or less than the runoff assumed in the design of existing utilities, then no significant impact was triggered downstream of the storm drain system.

- 24-inch RCP crossing Palomar Street

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The 24-inch RCP that intersects Palomar Street, near Trenton Avenue, was constructed as part of a Capital Improvements Project (CIP No. ST-922) for Palomar Street and it was designed to convey a 10-year, 6-hour storm event.

The City of Chula Vista, in October and December of 2000, prepared two reports titled: *"Drainage Study for Palomar Street Improvements from Interstate 5 to Industrial Boulevard"* and *"Supplement No. 1 / Drainage Study for Palomar Street Improvements from Interstate 5 to Industrial Boulevard"* that analyzed the drainage patterns of Palomar Street and the vicinity areas to size the storm drain system and other street improvements.

The site of the proposed Bay Vista Walk project was a part of the area of study of the CIP No. ST-922. The *"Drainage Study for Palomar Street Improvements from Interstate 5 to Industrial Boulevard"* assumed that the ultimate condition of the area under consideration was going to be a combination of suburban and commercial land use; with this rationale, the runoff coefficient "C" for the project site ranged from 0.70 to 0.90. The 2000 drainage analysis determined that the runoff generated by the tributary area discharging to Palomar Street, for a 10-year storm event, was going to be 20.04 cfs, which required a 24-inch pipe to convey the flow.

The drainage study prepared by Lundstrom & Associates for the Bay Vista Walk Project titled: "Preliminary Hydrology and Hydraulic Study Bayvista Walk", determined that the flow generated by the 10-year storm event was 9.48 cfs. Comparing the flows calculated by City staff in the 2000 drainage study for CIP No. ST-922, and the flows calculated by Lundstrom & Associates for the Bay Vista Walk Project, we could conclude that the 24-inch RCP storm drain crossing Palomar Street would not be impacted by the runoff generated by the proposed Bay Vista Walk Project.

- Downstream Storm Drain System (Under Interstate 5 Freeway)

The City of Chula Vista, as part of the construction of the street improvements for the Palomar Street, analyzed the capacity of the downstream storm drain system. The analysis was presented in the report titled: *"Supplement No. 1 Drainage Study for Palomar Street Improvements for Interstate 5 to Industrial Boulevard"*, dated December 14, 2000. The hydrology for the abovementioned study was based on the criteria stated in Section 3-200 of the City of Chula Vista Subdivision Manual and the as-built plans for Interstate 5 (Caltrans Contract No. 11-122404, sheet 47 of 437). Per Caltrans as-built plans, there currently exist a tri. 5' X 3' reinforced concrete box culvert (RCB) that conveys the runoff associated with the proposed Palomar Street project across Interstate 5. It was determined that the overall capacity of the tri. 5' X 3' RCB is approximately 310 cfs, compared to the 176 cfs that the tributary basin (including the proposed Bay Vista Walk Project) will generate. The results of the City's capacity analysis showed that the tri. 5' X 3' RCB is adequate to convey the associated runoff.

- Storm Drain Improvements Along Industrial Boulevard

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The existing 12-inch PVC storm drain that crosses Industrial Boulevard at the northeasterly side of the proposed Bay Vista Walk Project, was designed as part of the CIP for the Palomar Street Improvements (CIP No. ST-922). In the “*Drainage Study for Palomar Street Improvements from Interstate 5 to Industrial Boulevard*”, it was determined that the runoff that the tributary area will generate for the 10-year storm event was 1.36 cfs. The drainage study prepared by Lundstrom & Associates for the Bay Vista Walk Project titled: “Preliminary Hydrology and Hydraulic Study Bayvista Walk”, determined that the flow generated by the 10-year storm event tributary to the existing 12-inch PVC storm drain was 1.52 cfs. Comparing the results from the City’s 2000 drainage study and Lundstrom & Associates’ drainage report for the proposed project, we could conclude that the existing 12” PVC storm drain that crosses Industrial Boulevard is adequate to convey the associated runoff.

Comment #28: There are problems with the Water Quality report. The bioretention is only sized to be adequate for a two-year event. More rain will bypass the system entirely and enter the storm drains untreated except by filters in the drains, which must be maintained regularly by someone. There is an increase from .41 pre-development to .79 post development. Why is this being allowed? The condos on Moss were required to retain all their runoff in underground basins for filtration. In the east projects are now also required to retain all their increase in runoff for slow release or infiltration. The greater storm events will send an increased amount of runoff quickly into an already challenged downstream system that this report does not even mention.

Response to Comment #28: The California Regional Water Quality Control Board San Diego Region Order No. R9-2007-0001, NPDES No. CAS0108758, requires that all Treatment Control BMP for a single Priority Development Project be collectively sized to comply with the following numeric sizing criteria:

- i. Volume-based treatment control BMPs shall be designed to mitigate (infiltrate, filter, or treat) the volume of runoff produced from a 24-hour 85th percentile storm event, as determined from the County of San Diego’s 85th Percentile Precipitation Isopleth Map; or
- ii. Flow-based treatment control BMPs shall be designed to mitigate (infiltrate, filter, or treat) either: a) the maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour, for each hour of a storm event; or b) the maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity (for each hour of a storm event), as determined from the local historical rainfall record, multiplied by a factor of two.

The two bio-retention sand filters were sized following the first numeric sizing criteria for a volume-based treatment control BMP.

Although the existing land use of the project site has a runoff coefficient of 0.41, the existing storm drain pipes were sized with the assumption that this land will be eventually developed to a mix of commercial and residential land use. For this reason, when determining the runoff generated by the site to size the existing infrastructure, it

was assumed that the runoff coefficients were between 0.70 to 0.90 and therefore, the existing storm drain system is adequate

In addition, the City, as mandated by the California Regional Water Quality Control Board, required that this project implement Low Impact Development (LID) BMPs to minimize directly connected impervious areas and promote infiltration.

Comment #29: There appear to be only 3 BMP planters or basins or porous decorative stone areas. Considering the number of roads they should all be made of porous substances or at least include some kind of biocells. There are only 3 sand-filled percolation basins. This really seems quite inadequate especially since it is only designed for a 2-year event.

Response to Comment #29: To the maximum extent possible, this project implemented Low Impact Development (LID), Source-Control, and Treatment-Control Best Management Practices that combined will treat the identified pollutants of concern. Pursuant to Tentative Map condition #16 and Conditional Use Permit conditions #17 and 20, the following BMPs will be required for the project:

Low Impact Development (LID) BMPs

- Narrower residential streets
- Alternative pavers in the driveways
- Common-area efficient irrigation
- Runoff-minimizing landscape design
- Efficient landscape maintenance

Source-Control BMPs

- Storm drain stenciling and signage
- Material and trash storage area design
- On-lot treatment measures
- Homeowner outreach
- Lawn and gardening practices
- Water conservation
- Hazardous waste management
- Trash management
- Outreach for commercial activities

Treatment-Control BMPs

- Bio-retention sand filters

Comment #30: Noise - The occasional freight train is daily at 2 or 3AM and it blows its air horn at every crossing. It can be heard starting in National City at 43rd until Palm Ave. in San Diego the neighbors say, especially when the east wind blows. This report was prepared based upon the outdated traffic report of 11/05, which grossly underestimates the traffic and therefore the noise. The 2010-estimated traffic in the traffic report is less than the actual count for 2007 and therefore invalid. It is foolish to

put people's patios on Palomar. There is nothing pleasant about listening to 56,000+ cars going by. This is not useable open space. These patios should be within the project area not on a street with this high a traffic volume. Keeping windows closed and using air conditioning in order to deal with the excessive noise is not a sustainable building practice. Again there is inadequate information provided to allow the public to make a valid judgment as to the environmental impacts of the project.

Response to Comment #30: See Response to Comment #7 and #10. Project specific noise mitigation measures # 9, #10, #11 and #12 found in the Mitigated Negative Declaration, will ensure that the project complies with the City of Chula Vista Noise Standards. Noise from the occasional freight train was also evaluated by the Noise report.

Comment #31: Actually the buildings should be backed away from the street perhaps behind a wall and trees. The variance for setback is ridiculous and unhealthy for the residents. This is not a relatively quiet 2 or 4 lane street in a downtown. This is a 56,000+-vehicle 6 lane major thoroughfare. There are numerous semi trucks passing by here to Wal-Mart, Office Depot, Food For Less, Target, Michaels, Costco, etc. In fact if measurements were taken the air quality from this traffic mix might be as deadly as within 500 feet of a freeway. There is nothing pleasant about being on this street. In fact it might be dangerous to have sliding glass doors and patios, which can be easily broken into facing a major street such as this. 60-inch high solid walls may reduce the noise but they will also block breezes, sunlight, and views and can be jumped relatively easily.

Response to Comment #31: See Response to Comment #10. The proposed building setback along Palomar (2 -3 feet) is intended to create a more urban edge between the proposed building and the sidewalk and Palomar Street. While the proposed setback would be modified from the standard in the Zoning Ordinance for the Central Commercial (CC) Zone, the reduction in the setback would afford the project a more urban and pedestrian-oriented character by being closer to the sidewalk, as compared with a suburban type of development with larger front setbacks.

In addition to the urban and pedestrian orientation afforded by the projects interface with Palomar Street, the SANDAG TOD grant project would provide 5 feet of landscaping along Palomar with Cypress trees to create a long stately row on each side of the street and aligning the walkways with Myrtle hedges to create a comfortable separation zone from busy traffic for pedestrians. The pedestrian walkways will be 5 feet of sidewalk provided through the grant with an additional 1.5 to 6 feet (varies) provided by the Bayvista Walk in order to provide wider sidewalks (minimum 6.5 feet).

Access to the Palomar trolley station would also be enhanced with thirty two (32) of the units accessing directly onto Palomar Street and the remaining units provide a clear pedestrian access and connections through the site to the trolley station.

Comment #32: Traffic- As already mentioned several times the traffic report is outdated and inaccurate. The intersections of Walnut and Palomar and Frontage and Palomar are

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already F and the rest of the street is D for more than 2 hours a day, and may change to F when the traffic from this project is added. Cummings clearly states that under capacity roads need to be fixed before any new development takes place. (19.80.030 No development without adequate public services and facilities. A. If the existing major city streets and thoroughfares do not have the capacity to accommodate the proposed development without substantially altering existing traffic patterns or overloading the existing street system, then construction or widening of a major link or links in the major traffic network shall be staged as necessary to ensure the quality of existing traffic flow is maintained.)

Response to Comment #32: See Response to Comment #11 and #12. As analyzed, the project has no direct or cumulative impacts that would adversely affect the level of service at the intersections of Palomar Street and Frontage/Walnut. However, pursuant to Tentative Map condition #24, the Applicant shall pay all applicable Western Transportation Development Impact Fees (WTDIF) at the rates in effect at the time of approval of the final map or building permit.

Comment #33: Since these intersections are already F and there apparently is no way to improve them. The project needs to be delayed until such time as the volume/capacity of the roads can be increased. Inaccurate information was given to the RAC by a city employee who admitted to a citizen that he was wrong because he used the wrong SANDAG budget information when he told the RAC I-5 would be widened all the way to the border and the bridge and off ramps causing the major problem here would be widened. He declined to correct himself in public, and Ann Hix's brushed it off as "There is always inaccurate information given at these meetings." (This upset our citizen because he thought people were inclined to assume staff told the truth.) This is simply not acceptable. The report mentions a future alternative to relieve congestion. This alternative in the likely SANDAG budget scenario will only go as far as J Street and therefore have no effect upon Palomar. The bottom line is that increased density is not appropriate here because of the current congestion that probably will continue to worsen and there is no plan at any level of government to improve the situation.

Response to Comment #33: See Response to Comment #11. For impacts to the I-5 freeway segments identified in the 2005 General Plan Update, Table 5.10-4, the I-5 freeway will need to be widened to provide additional capacity, depending on the segment, as shown on the most recent SANDAG Regional Transportation Plan. Since the freeway system is developed and managed by Caltrans, the City has only limited ability to affect the level of congestion on these roadways, as such, mitigation is not within the authority of the City of Chula Vista sufficient to avoid the cumulative contribution to traffic on this roadway and the impact remains significant, as previously concluded in the General Plan EIR.

Comment #34: This is a clear Environmental Justice issue. This community and indeed the entire southwest have been forced to endure an unequal share of the impacts of regional traffic congestion. The intersection of Orange and 805 was widened to provide some relief for the more affluent users in the east, but neither the city nor the county nor

the state have any plans to relieve the congestion here in the foreseeable future. At the very least the fair thing to do is to limit the increased density to minimize the increased congestion to the degree possible. The project is said to be a cumulative impact of 5%. This is an unjust increase upon an already impacted community. The two paragraphs under I-5 South Corridor Study are misleading and do not reflect the recent report presented to the public by SANDAG, which clearly indicated no possibility of a budget being implemented that would relief congestion on Palomar Street.

Response to Comment #34: See Response to Comment #11 and #33. The Palomar Street overpass and related intersections of the I-5 off-ramps are within Caltrans right-of-way and the City therefore relies on Caltrans for maintenance and any needed improvements.

Comment #35: *Cummings makes no distinction between freeways or surface streets. It also emphasizes capacity. The city's own capacity studies clearly show Palomar is already way over capacity. 5% more is not acceptable. Both the MND and the Traffic report acknowledge that the intersection of Frontage and Palomar is and will continue to be F. This is an unmitigatable negative condition that the project would cumulatively make 5% worse. Unless the city wants to do an EIR and declare over-riding conditions, which in itself is a violation of Cummings this project must be denied under CEQUA.*

Response to Comment #35: See Response to Comment #11 and #12.

Comment #36: *Mitigations - Air Quality: The mitigations are inadequate. There is no AQIP, which is required by the city. There is no indication on the plans as to which architectural coatings will be applied. It is not adequate to say this will occur before a building permit is issued. It must be part of the environmental document or the public's right to know is not fulfilled.*

Response to Comment #36: See Response to Comment #22 and #25.

Comment #37: *Hazards: This statement is out of date. The directions in the letter dated 8/15/07 must be adhered to.*

Response to Comment #37: See Response to Comment # 2 and #26.

Comment #38: *Hydrology/Water Quality: " Courts have held EIRs to be inadequate when the mitigation measure "does no more than require a report be prepared and followed, or allow approval by a county department without setting any standards." ¹ This is substantially what this MND does when it refers water quality issues to the city's Storm Water permit, which is not specific to this project. It is impossible for the public to be assured of compliance with these plans without more specific information about BMP's and a commitment to use Low Impact Development Techniques as recommended for all projects by the RWQRB.*

¹ *Endangered Habitats League, Inc. v. County of Orange*, 131 Cal.App.4th 777, 794 (2005).

Response to Comment #38: All development projects are required to follow the City of Chula Vista Subdivision Manual and comply with the California Regional Water Quality Control Board San Diego Region Order No. R9-2007-0001, NPDES No. CAS0108758.

Please note that as part of approval of a Water Quality Technical Report, each project must identify the pollutants of concern that will be generated by the land use, and following the guidelines of the City's Storm Water Permit, implement Low Impact Development (LID), Source-Control, and Treatment-Control Best Management Practices. In addition, the project will be conditioned to comply with all grading permit requirements, pursuant to mitigation measures #5, # 6 and #7.

Comment #39: The Hydrology report states that their bioretention facilities are only designed for 2-year storms and greater events will bypass these units. The lack of open space in the project for which a variance is being asked precludes the use of vegetated swales. Therefore the water quality issues have not been fully mitigated either.

Response to Comment #39: Please see response to Comment #14, #28 and #29.

Comment #40: Noise: The use of air conditioning causes a negative impact on energy resources, which the general plan EIR showed to be strained and potentially inadequate for the development, contemplated for buildout. The mitigations suggested in the noise study may be inadequate, because they are based upon an outdated traffic study and traffic was found to be the greatest source of noise. The public is deprived of the information needed to fully evaluate this situation, because the outdated traffic report contains inaccurate data.

Response to Comment #40: See Response to Comment #7, #10 and #30. Only the northerly facing units are being required to install air conditioning units by mitigation measure #12 of the Mitigated Negative Declaration.

Comment #41: Traffic: This mitigation was already assigned 12/20/06 to Marsella Villas project. This mitigation will eliminate left turns and therefore put almost all of the traffic from this project onto Industrial. This impact was not analyzed at all in the traffic report or the MND. This large omission must be corrected, because this is another intersection of concern.

Response to Comment #41: See Response to Comment #5, #6 and #10. The City Traffic Section has reviewed the proposed mitigation improvement and found that there are no direct or cumulative impacts that would adversely affect the level of service on Industrial Boulevard.

Comment #42: Environmental checklist Form: III. This project does contribute significantly to an existing or projected air quality violation-CO or at the very least does not help the city's reduction goal, because low impact development techniques are not being used and air conditioning is being provided and recommended for use due to excessive noise from traffic.

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Response to Comment #42: See Response to Comment #23 and #25. Use of air conditioning units is an acceptable mitigation for noise abatement. Only the northerly facing units are being required to install air conditioning units by mitigation measure #12 of the Mitigated Negative Declaration. General reduction measures including that this is an infill project that is in close proximity to a public transit station are important factors that contribute to the reduction of CO gases. Specific reduction measures will be outlined as part of AQIP that will be finalized at the building permit stage.

Comment #43: If a variance is given for setbacks residents will be excessively close to a very high traffic road and there is growing evidence that this will cause children, seniors and adults with respiratory problems ill effects. (ARB Land Use Handbook and other sources)

Response to Comment #43: See Response to Comment #30. The project design features will be done in accordance with the provisions of an approved Precise Plan. No threshold of significance standards have been established by any local, state or federal regulatory agencies that would allow an adequate analysis, conclusion, recommendation or mitigation of the described concern.

Comment #44: V. The Cultural Resources Survey is completely inadequate. The one for Marsella Villas showed a huge number of sites within a mile of this property, but the report for this project only deals with the site itself. This is inadequate and does not meet CEQA standards

Response to Comment #44: The archaeological report prepared by Brian F. Smith and Associates provided the level of information required by the City to satisfy CEQA requirements for the evaluation of potential impacts to cultural resources of a project. The one-mile-radius statement applies the review of records information for a one-mile radius to observe the pattern of recorded archaeological sites in the area. However, since no resources were identified on the project, a lengthy discussion is not relevant. Furthermore, detailed information regarding archaeological sites in the area is not meant to be available to the public. On Page 6 of the BFSR report, the statement is included that nine archaeological sites are recorded within a one-mile radius. The Confidential Appendix supplied to the City for this project includes all of the records information.

The size of a report is not the measure of adequacy. All of the pertinent information required for CEQA review was included. The fact that the records searches and survey of the property did not reveal any cultural sites is sufficient information to conclude the project will not impact any cultural resources.

Comment #45: VIII. There is a potential for increasing pollutant discharges because the project is not using low impact development techniques and has inadequate amount of pervious surfaces to absorb and treat runoff. The report did not adequately analyze the ultimate destination of the runoff so it is impossible to evaluate how it would impact the current drainage system. Another example of the public being deprived of it right to

information needed to make an accurate judgment as to the validity of the environmental document.

Response to Comment #45: Please see response to Comments # 27, 28, and 29.

Comment #46: IX The project requires a CUP. A CUP requires the following findings, which cannot be made given the current description of the project:

Response to Comment #46: Pursuant to CVMC 19.14.080, findings related to the CUP will be included in the CVRC Resolution.

Comment #46a:

- 1. This project provides no service or facility that contributes to the general well being of the neighbors or the community. In fact it adds to the impact of excessive traffic congestion that has been imposed upon this low income ethnically mixed community.*

Response to Comment #46a: The proposed project will enhance the livability of Chula Vista by implementing the adopted 2005 general plan in creating a high density mixed use transit oriented development project. In addition to providing new high density housing across the street from the Palomar Trolley station the project will also remove an underutilized blighted asset from the community. The project upon completion will have an increase in assessed valuation of approximately \$60 million. This translates into about \$600,000 dollars in annual gross tax increment to the redevelopment agency of which the Agency will receive approximately \$240,000 annually while the County, and School Districts share in the remaining \$360,000.

Comment #46b:

- 2. This use will be detrimental to the health, safety and general welfare of persons residing in the vicinity. It will add to the burden of significant traffic congestion without offering any mitigation. It will also pay inadequate park fees and no traffic fees since these have not been set at a level equal to or higher than in the east. It will also not contribute toward upgrading the drainage of the area or providing missing infrastructure. The city has a grant to provide cosmetic improvements including sidewalks, gutters, etc. for the Palomar area. While homeowners and small businesses are required to bear all this expense themselves. This project will bear none of the expense. This is unfair and more evidence of how certain developers run the city.*

Response to Comment #46b: See Response to Comment #11, #12, #31 and #51.

Comment #46c:

- 3. This property will not comply with regulations and conditions specified in this code for such use. It will not comply with regulations for*

multifamily in CVMC especially those relating to multifamily residential per R-3 zone, setbacks and off-street parking. The project is requesting a 66% reduction in useable open space and a reduction in setbacks from the sidewalk. This is detrimental to the health and welfare of the potential residents due to the extremely heavy traffic on Palomar.

Response to Comment #46c: See Response to Comment #31 and #50. The project complies with all regulations of the CC zone as modified by precise plan standards adopted for the subject parcel based upon section 19.14.576 of the Chula Vista Municipal Code. The proposed Precise Plan Modifying Standards related to open space and front building setback are not detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. The reduction in open space and front building setback would allow the construction of a project with an urban character and pedestrian orientation, as mandated by the Transit Focus Area designation of the City's 2005 General Plan.

As proposed, phase one of the project contains a two-car garage for each of the residential units, plus 28 parking spaces for visitors. However, the modified standard proposed parking is that the majority of the garages provide tandem parking (one space behind the other) instead of side by side parking. Of the 104 residential units, 76 have garages with tandem parking. Each of the spaces, standard or tandem, would be assigned to an individual unit and contained within an enclosed garage for the unit. CVMC 19.62.020 (E) indicates that tandem parking shall not qualify as required parking unless specifically approved by the Planning Commission. This review and approval authority has been delegated to the Chula Vista Redevelopment Corporation pursuant to CVMC 2.55.050. Tandem parking within a 10 ft x 40 ft. garage serves the same purpose as side by side parking. A garage of 400 square feet of space can still accommodate two vehicles and the two spaces would be available to the residents of the assigned unit. Staff also believes that this parking situation takes on a lesser importance because the proposed project is so close to the trolley station and allows for a more compact development at the densities envisioned by the General Plan. The proximity to the trolley station offers residents an important public transit alternative to the private automobile.

Comment #47: *There is no evidence that this project is complying with 19.09.050 Requirement for public facilities finance plans, air quality improvement plans, and water conservation plans. No application for an SPA plan, or, if an SPA plan is not required, no application for a tentative map, shall be deemed complete or accepted for review unless:*

Comment #47a:

- 1. It is accompanied by a PFFP, which has been approved by the city; There is no indication that the applicant is working on such a plan. Townhomes require a tentative map. This project should meet the requirement of a PFFP.*

Response to Comment #47a: Pursuant to CVMC 19.09.110 B., a project specific PFFP is not required. As conditions of project approval, the project would be required to contribute its fair share to finance identified public facilities and services. See Response to Comment #12.

Comment #47b:

- B. *Air Quality Improvement Plans. No application for an SPA plan, or, if an SPA plan is not required, no application for a tentative map, shall be deemed complete or accepted for review unless:*
1. *It is accompanied by an air quality improvement plan which has been approved by the city; or*
 2. *An air quality improvement plan which includes the project has already been initiated; or*
 3. *The applicant initiates the preparation of an air quality improvement plan in such form and/or containing such information, including maps, drawings, diagrams, etc., as the city director of planning and building shall require. There is no indication that the applicant has submitted or plans to submit an AQIP.*

Response to Comment #47b: See Response to Comment #25.

Comment #47c:

- C. *Water Conservation Plans. No application for an SPA plan, or, if an SPA plan is not required, no application for a tentative map, shall be deemed complete or accepted for review unless:*
1. *It is accompanied by a water conservation plan, which has been approved by the city; There is no indication that the applicant has submitted a water conservation plan. In fact there is no landscaping information to indicate what plants applicant plans to use, including the required native plants. This is a glaring missing part of the normal plans.*

Response to Comment #47c: See Response to Comment #25.

Comment #47d:

- D. *No SPA plan, nor any tentative subdivision map, shall be approved, or deemed approved, without an approved PFFP, an approved air quality improvement plan and a water conservation plan. To provide consistency and implementation of said plans, the city council may impose any condition to the approval of an SPA plan or tentative subdivision map necessary to implement the PFFP, the air quality improvement plan, the water conservation plan, the growth management program, or the master facility plans.*
- E. *No final map shall be approved until all the conditions of the PFFP, the water conservation plan and the air quality plan have been met, or the*

- project applicant has provided adequate security to the city that said plans will be implemented.*
- F. *No other discretionary planning approvals shall be granted unless the city council finds that the project is consistent with an approved PFFP, an air quality improvement plan, and a water conservation plan.*
- G. *No building permit shall be issued unless the permit is consistent with any applicable PFFP, the air quality improvement plan and the water conservation plan and all applicable fees, including, but not limited to, development impact fees, traffic impact fees, drainage fees, school fees, park fees, sewer fees, water fees, or other development fees adopted by the city council, have first been paid or provision for their payment has been made to the satisfaction of the city council.*
- H. *No development shall occur in a PFFP area if the demand for any public facilities and services exceeds capacity and it is not feasible to increase capacity prior to completion of development unless means, schedule and financing for increasing the capacity is established through the execution of a binding agreement providing for installation and maintenance of such facilities or improvements in advance of the city's phasing schedule. (Ord. 2790, 1999; Ord. 2448 § 2, 1991).*
- H. *Above Clearly indicates that this development cannot occur because it is acknowledged that the traffic on Palomar exceeds capacity and it is not feasible to increase capacity at this time.*

Response to Comment #47d: See response to Comment #12, #47a, #47b and #47c.

Comment #48: *XII. The project will induce substantial population growth in the Palomar Gateway area through the building of 154 dwellings on 3.4 acres of now vacant land. This will be 400 or more new people, including children who will have no safe place to play.*

Response to Comment #48: With the recent update of the General Plan, the Montgomery Specific Plan was repealed and replaced with a new vision for this area of the southwestern portion of the City. The General Plan Land Use and Transportation (LUT) Policy 43.4 and 43.5 for this area state that development projects:

"Provide a mix of uses with a focus on retail and some office uses along Palomar Street in the Mixed Use Transit Focus Area, with residential uses above and/or behind the retail and offices uses." and;

"Provide a mix of local-serving retail and office uses near the Palomar Trolley Station and at the Gateways into the Palomar Gateway District."

The proposed project site is currently zoned CT-P, which is a commercial zone that does not allow residential development. Since the CT-P zone does not allow residential development, the General Plan policies cannot be implemented by this zone. The CC